20. (New) A sanded elastic fabric according to Claim 8, wherein said fabric comprises a warp knit fabric having about 5% to about 95% elastic fibers.

21. (New) A sanded elastic fabric according to Claim 8, wherein said hairiness value is about 0.07 or less.

Remarks

Claims 1-10 are currently pending in the application. Of these, Claims 1-6 were withdrawn from consideration by the Examiner as the result of a Restriction Requirement. Therefore, substantive examination was limited to Claims 7-10. New claims 11-21 have also been added herewith. Antecedent basis for the features set forth in these claims is clearly present in the originally-filed specification, and no new matter has been added.

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for depending upon a non-elected claim (as a result of Claim 1 having been withdrawn from consideration by the Examiner following the telephonic restriction requirement.) To overcome this rejection, Claim 7 has been rewritten in independent form, to include all the recitations of Claim 1. Therefore, the scope of Claim 7 has not been changed, rather it has been amended strictly for the purpose of overcoming the informality of being dependent on a non-elected claim. Because this was the only rejection imposed against this claim, it is believed that Claim 7 is now in condition for allowance.

Claims 8-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the claims did not recite the specific test method used to achieve the claimed hairiness value. Claim 8 has been amended to include the specific tester used. Support for this recitation is provided on page 10, lines 24-25 of the original specification. Therefore, Applicants respectfully request that this rejection be withdrawn.

Claims 8-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,205,140 to Nielsen et al. Specifically, the Examiner stated that Nielsen discloses "that in the textile industry, it is known to finish certain woven and warp knitted fabrics by abrading one or both surfaces of the fabric using a sandpaper or similarly abrasive material **to cut and raise constituent surface yarns in the fabric into a closely raised nap** producing a soft, smooth surface texture resembling suede leather." (emphasis added.) The Examiner acknowledged that "specific 'hairiness' values are not taught", yet asserted that "it is expected that the products of Nielsen have the same properties as those instantly claimed."

Applicants respectfully traverse the rejection for the following reasons. Claim 8 (and the claims which depend from it) recite a sanded elastic fabric having a hairiness value of less than about 0.1 across its width. As noted in Applicants' specification, it has heretofore been difficult to use conventional sanding methods on elastic fabrics, because, among other things, the fiber breakage experienced by such fabrics during the face finishing operations causes the formation of a high amount of fuzz on the fabric surface, which is undesirable from an aesthetic perspective. This undesirable fuzz results in the fabrics having higher hairiness values when measured with a Zweigle T690 Hairiness Tester, as illustrated in Table I of the application.

The process described in the Nielsen patent which (is similar to that described by Applicants as being in the prior art) involves cutting the yarns in the fabric. Nielsen specifically discusses that the yarns are cut and produce a large quantity of abraded particles. Because of this, the Nielsen apparatus includes a means for vibrating its abrading roll in order " to allow abraded particles to be released from the sueding roll." (Col. 2, lines 64-67.) Therefore, the Nielsen reference actually teaches away from the instant invention, by providing a large number of cut and abraded yarns which would produce a high degree of hairiness on the fabric surface.

As noted by Applicants on page 4, lines 19-21 of the originally-filed specification, the process of the instant invention "functions to loosen the fibers in the yarn bundles without undesirably cutting them in the manner of conventional sandpaper." There is no teaching or suggestion in the Nielsen patent of providing a sanded elastic fabric having the low level of

hairiness claimed. (In fact, the Examiner expressly acknowledged that this feature was not discussed by Nielsen.) On the contrary, the Nielsen patent teaches the production of fabrics which would have high levels of hairiness, as evidenced by the need for the vibration of the roll to knock loose fiber particles and the emphasis placed on fiber cutting. Therefore, Nielsen fails to anticipate or even render obvious the claims of the instant invention. Accordingly, withdrawal of this rejection is respectfully requested.

New claims 11-21 all depend from Claim 8, and therefore are also believed to be in the condition for allowance. Because all of the claims under examination are in condition for allowance, Applicants respectfully request an indication to that effect from the Examiner. Should any issues remain outstanding following the consideration of this Response, the Examiner is invited to telephone the undersigned in the interest of resolving such issues in an expedited manner.

Respectfully requested,

February 6, 2001

Sara M. Current
Attorney for Applicant(s)
Registration Number 38,057
Telephone: (864) 503-1596

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail with number EL782282790US in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, DC 20231, on February 6, 2001, along with response to the official action, request for extension of time, and a postcard receipt.

Sara M. Current
Attorney for Applicant(s)